

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA

7:10-PO-00350

vs.

O R D E R

HEYWOOD SILVAN SCOTT

This matter came before the Court on November 17, 2010, for a petty offense bench trial. The defendant was convicted of obscene sexual display while on VAMC premises on October 5, 2010, under VA 18.2-387.1; and because this is not the defendant's first appearance in this court or a state court for similar charges resulting in convictions, this Court finds it necessary to order the conduct of a psychiatric/psychological exam prior to sentencing in this case pursuant to Title 18, U. S. C. §4244 to determine if there is the presence of a mental defect or disease for which treatment could be provided and to assist the Court in fashioning an appropriate sentence.

THEREFORE, pursuant to Title 18, U. S. C. §4244(b) and 4247(b), it is hereby

ORDERED

that the defendant, Heywood Silvan Scott, be detained until sentencing by the United States Marshal in the Roanoke City Jail because his prior record establishes that he is a danger to the community and to allow the defendant to have an evaluation in the form of a local study by Dr. Howard Leizer to determine whether the defendant is presently suffering from a mental disease or defect; for the treatment of which he is in need of; and the examiner's opinion concerning the sentencing alternatives that could best afford the defendant the kind of treatment that he needs. This examination shall be completed within ten (10) days of entry of this order.

It is further **ORDERED** that the United States Probation Office prepare a pre-sentence report.

Upon completion of the examination, the examining psychologist/psychiatrist shall report his findings to the Court with a copy thereof to Allegra Black, Federal Public Defender's Office, 210 First Street SW, Suite 400, Roanoke, VA 24011; Andrew Bassford, Assistant United States Attorney, P. O. Box 1709, Roanoke, VA 24008; as to the following matters pursuant to Title 18, U.S.C. §4247(c), and shall include information relative to: 1) defendant's history and present symptoms; 2) a description of the psychiatric, psychological, and medical tests that were employed and their results; 3) the examiner's findings; and 4) the examiner's opinions as to diagnosis, prognosis; whether the person is suffering from a mental disease or defect as a result of which he may be in need of custody for care or treatment in a suitable facility, and any recommendation as to how the mental condition of the defendant should affect the sentence.

The Clerk of Court shall certify copies of this order to the United States Marshal, United States Probation, and to all counsel of record.

Entered: November 18, 2010.

/s/ Michael F. Urbanski

Michael F. Urbanski
United States Magistrate Judge